

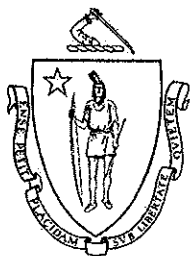
# TOWN OF WESTMINSTER



## ZONING BY-LAWS GENERAL BY-LAWS APPROVED AT ANNUAL TOWN MEETING MAY 2, 2015

Changes approved by Attorney General August 6, 2015

*Denise L. MacAloney*  
Denise L. MacAloney, CMMC/MMC  
Westminster Town Clerk



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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August 6, 2015

Denise L. MacAloney, Town Clerk  
Town of Westminster  
11 South Street  
Westminster, MA 01473

Re: Westminster Annual Town Meeting of May 2, 2015 - Case # 7534  
Warrant Article # 41 (Zoning)  
Warrant Article # 42 (General)

Dear Ms. MacAloney:

Articles 41 and 42 - We approve Articles 41 and 42 from the Westminster Annual Town Meeting of May 2, 2015.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

MAURA HEALEY  
ATTORNEY GENERAL

*Margaret J. Hurley*

by: Margaret J. Hurley, Assistant Attorney General  
Chief, Municipal Law Unit  
Office of the Attorney General  
Ten Mechanic Street, Suite 301  
Worcester, MA 01608  
508-792-7600

cc: Town Counsel Brian Riley



**TOWN OF WESTMINSTER  
OFFICE OF THE TOWN CLERK**

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**VOTE TAKEN AT ANNUAL TOWN MEETING MAY 2, 2015**

*An affirmative vote was taken at this time to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Annual Town Meeting.*

**ARTICLE 41.** Voted to amend the Westminister Zoning Bylaw (Chapter 205 of the Code of the Town of Westminister, Massachusetts) by adding a definition for "loading area" to Article II, "Definitions," and by replacing the current Article VIII, "Off-Street Parking," with a newly titled Article VIII, "Off-Street Parking and Loading Requirements," as printed in the warrant:

**Add to Article II (Definitions):**

**LOADING AREA:** An off-street area for the loading and unloading of goods and materials from a vehicle.

**ARTICLE VIII**

**Off-Street Parking and Loading Requirements**

**§ 205-27. Requirements to be met**

Parking and loading standards for the Commercial-III Downtown District shall be determined by the appropriate permitting authority on a case by case basis. For all other zoning districts, the following parking and loading standards shall apply.

No land shall be used and no building or structure shall be erected, enlarged or used unless the off-street parking and loading space requirements are provided as specified in this section. For the purpose of this section, an enlargement of any building shall require the provision of off-street parking and loading for the existing building as if it were newly constructed if the floor area of any building existing upon adoption of this chapter is increased by more than 5%.

**§ 205-28. Computation of required spaces**

Where the computation of required parking space results in a fractional number, only the fraction of one-half (1/2) or more shall be counted as one.

**§ 205-29. Location of spaces**

With the exception of approved shared parking arrangements for uses within the commercial zoning districts, required off-street parking facilities shall be provided on the same lot as the principal use they are designed to serve.

Parking areas for commercial uses shall be located in the rear of the primary building, unless the owner can demonstrate that this is not reasonably feasible owing the shape of the building, shape of the lot or other factors approved by the Planning Board.

For commercial zoning districts, shared parking areas may be permitted by the Planning Board subject to Site Plan Approval, for the purpose of servicing two (2) or more principle uses on separate lots provided that:

- A. Evidence is submitted that parking is available within four hundred (400) feet of the premises if the lot satisfies the parking requirements of this Bylaw and has excess capacity during all or part of the day.
- B. A proposed contract, agreement or suitable legal instrument acceptable to the Planning Board shall be filed specifying the location of all spaces to be jointly used, the number of such spaces, the hours during the day that such parking is available, and the duration of limit, if any on such parking.
- C. Any reduction in area required for parking because of these joint use provisions may be required to be reserved for landscaped open space.
- D. Nothing in this section shall relieve the owner from providing parking facilities in accordance with this Bylaw if subsequently the joint use of parking facilities shall terminate.

#### **§ 205-30. Abutting Commercial Districts; Access to Parking**

For two commercial uses that abut each other within a commercial zoning district, the Planning Board may require that the parking lots for both uses be linked by a paved strip of land twenty feet (20) wide located between each lot's parking area and shared lot line that will enable customers to enter the abutting commercial property without having to use the road providing frontage to the two lots.

#### **§ 205-31. Size of spaces; paving**

- A. Each required car space shall be not less than nine (9) feet in width and eighteen (18) feet in length, exclusive of drives and maneuvering space.
- B. Handicapped parking: Parking spaces for the exclusive use of handicapped individuals shall be provided in accordance with the most recent rules and regulations of the Architectural Access Board, 521 CMR 23.00.

#### **§ 205-32. Buildings containing multiple uses**

Where one building is used for more than one use, parking requirements shall be computed for each use (a motel with a restaurant would be required to provide parking for both rental units and for seating capacity of the restaurant; (a professional office in a residence must provide the space for the office use in addition to the residential requirement) unless the applicant provides adequate information through the site plan review process showing that the peak demand for the proposed uses is not at the same time and, therefore, additional parking is not necessary.

**§ 205-33. Number of required spaces**

A. The minimum number of required parking spaces shall be as follows:

<b>Principal Use</b>	<b>Minimum Number of Spaces</b>
1- and 2-family dwellings	2 per dwelling unit
Apartments	2 per dwelling unit
Apartments built under housing for the elderly	1 per dwelling unit
Rooming houses and lodging houses	4, plus 1 for each rental unit over 2
Nursing homes	1 for each 2 beds
Motels, hotels and inns	2, plus 1 1/4 for each rental unit, plus 1 for each 20 square feet of floor area available for meetings or functions
Permitted offices in residences	3, plus 1 for each nonresident employee
Retail stores and services	In districts other than Commercial III Districts, 1 for each <u>250</u> square feet of gross floor area
Restaurants, theaters and other places of assembly exclusive of churches	In districts other than Commercial III Districts, 1 for each 4 seats
Bowling alleys	4 for each alley
Offices	In districts other than Commercial III Districts, 1 space for each 500 square feet of gross floor area
Warehouses and other commercial or industrial buildings	1 for each 900 square feet of gross floor area

B. For accessory uses not listed above there shall be provided adequate off-street parking as determined by the Planning Board.

**§ 205-34. Location of Parking and Loading Spaces**

No parking or loading space shall be located within ten (10) feet of any property line or road right-of-way.

- A. Parking and loading areas for non-residential uses (excluding customary home occupations) shall be setback twenty-five (25) feet of any property line when the property abuts a residential district or residentially used property, and the Planning Board may require landscaping and/or fencing to be installed within the setback areas.
- B. Parking and loading areas for non-residential uses (excluding customary home occupations) that are supported by retaining walls shall have an additional setback requirement equal to the height of the retaining wall and applied to the nearest lot line abutting said retaining wall.

**§ 205-35. Screening of Parking and Loading Areas**

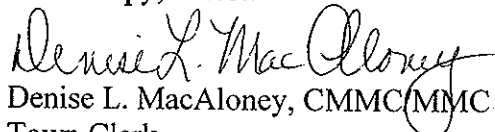
Parking and loading areas for non-residential uses (excluding customary home occupations) shall be effectively screened on each side which adjoins or faces the side or rear lot line of a lot located in a residential zoning district or a residentially used property, through the use of landscaping and/or fencing. Fencing shall consist of a solid fence or wall not less than three (3) feet, or more than six (6) feet in height at the time of occupancy of such lot.

**§ 205-36. Loading Requirements**

- A. General: Off-street loading spaces or loading areas shall be provided and maintained by the owner of the property for each non-residential building or use which is erected, enlarged or altered after the effective date of this Bylaw, according to the following provisions.
- B. Same Lot: All loading spaces or loading areas required by this Bylaw shall be located on the same lot as the building or use which they are intended to serve, and in no case shall any required loading area be part of an area used to satisfy the off-street parking requirements of this Bylaw.
- C. No Queues or Backing onto Street: No loading facility shall be designed to require trucks to queue on a public way while waiting to be off-loaded. No loading facility shall be designed to require vehicles to back onto a public way; all turning maneuvers shall be accommodated on the premises.

**(2/3 vote required)**  
**UNANIMOUS**

A true copy, Attest:

  
Denise L. MacAloney, CMMC/MMC  
Town Clerk



**TOWN OF WESTMINSTER  
OFFICE OF THE TOWN CLERK**

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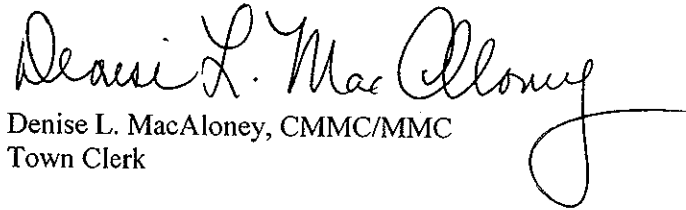
**VOTE TAKEN AT ANNUAL TOWN MEETING MAY 2, 2015**

*An affirmative vote was taken at this time to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Annual Town Meeting.*

ARTICLE 42. Voted to amend the Westminster General Bylaw at Chapter 104, "Firearms," by adding the Crocker Pond Recreation Area to Section 104-2, "Use in parks;" said section to read as follows:

"Hunting and firearms are prohibited in Hager Park, the Rambler Recreation Area, and the Crocker Pond Recreation Area."

A true copy, Attest:

  
Denise L. MacAloney, CMMC/MMC  
Town Clerk